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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re ISAIAH P., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

ISAIAH P.,

Defendant and Appellant.

A107174

(San Mateo County
Super. Ct. No. 71751)

Counsel for appellant has filed an opening brief in which he raises no issues and asks this court for an independent review of the record to determine whether there are any arguable issues that would, if resolved favorably to appellant, result in reversal or modification of the jurisdictional and dispositional orders. (*People v. Wende* (1979) 25 Cal.3d 436; see *Smith v. Robbins* (2000) 528 U.S. 259.) We have conducted that review and, finding no arguable issues, affirm the orders.

On October 15, 2003, appellant was made a ward of the court and placed on probation following his admission to a violation of Penal Code section 148, subdivision (a)(1) (resisting or obstructing public officer).¹ Appellant was continued as a ward of the court on January 15, 2004, after he admitted a violation of section 242 (battery). On April 6, 2004, a petition was filed alleging in counts one and two a violation of Vehicle

¹ All further statutory references are to the Penal Code unless otherwise indicated.

Code section 10851, subdivision (a), a felony (unlawful taking of a vehicle); in counts three and four a violation of section 496, subdivision (a), a felony (possession of stolen property); in count five a violation of section 460, subdivision (b), a felony (burglary); and in count six a violation of section 182, a felony (conspiracy). Appellant entered a plea of no contest to count five on May 12, 2004, and the remaining allegations were dismissed. The court declared count five to be a felony and set the maximum term of confinement as 3 years and 6 months. Appellant was continued as a ward of the court on probation subject to various terms and conditions including commitment for 120 days in juvenile hall for “therapeutic detention” with 61 days of credit. All prior orders not in conflict with the current order were to remain in effect. This appeal followed.

The facts giving rise to the April 6, 2004 petition are set forth in the report of the probation officer filed April 23, 2004. On April 4, 2004, at 4:18 a.m., San Carlos police officers responded to an alarm at Stancil Motors. As they approached, six male subjects were observed entering two vehicles parked behind the business. One of the subjects was seen placing a red motor scooter into one of the vehicles. The subjects fled but two were found hiding in some nearby bushes. Appellant was soon detained and arrested. The two vehicles located at the scene were stolen from East Palo Alto. Bolt cutters had been used to break into a shed that contained scooters. One of the scooters was found next to an open car door of one of the vehicles. Based on interviews and a video surveillance tape, all of the subjects were determined to be present when the shed was broken into.

Appellant was personally present and represented by counsel throughout the proceedings.

The court did not abuse its discretion by declaring the burglary offense a felony and properly computed the maximum term of confinement. The conditions of probation were properly imposed.

Our review discloses no meritorious issues to be argued.
The orders are affirmed.

Swager, J.

We concur:

Stein, Acting P. J.

Margulies, J.